

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Bowne of New York City, LLC,                 )  
  )  
Plaintiff,                                      )  
  )  
v.    ) Case No. 1:09cv412 (GBL)  
  )  
Lavell Systems, Inc.,                         )  
  )  
Defendant.                                      )

ORDER

THIS MATTER is before the Court on the March 3, 2010, Report and Recommendation of Magistrate Judge Thomas Rawles Jones, Jr. This case concerns Plaintiff Bowne of New York City, LLC's ("Bowne") claims against Defendant Lavell Systems, Inc. ("Lavell") to recover nearly \$800,000 for unpaid document-management and printing services.

Federal Rule of Civil Procedure 72(b) provides that a magistrate judge may hear a dispositive motion, without the consent of the parties, and recommend the disposition of the matter to a district judge. FED. R. CIV. P. 72(b). A party must serve any objections to the magistrate judge's recommendation within fourteen (14) days of being served with a copy of the order. *Id.* The district judge to whom a case is assigned should make a *de novo* determination on the record, or receive additional evidence, on any portion of the magistrate judge's disposition to which a party has made a specific written objection. *Id.*

Here, Defendant waived service of summons on September 2, 2009. (Dkt. No. 7.) Defendant's response to the Complaint was due on October 13, 2009. Defendant filed no response by October 13, 2009. The Clerk entered default pursuant to Federal Rule of Civil Procedure 55(a) on November 12, 2009. (Dkt. No. 9.)

Plaintiff filed its Motion for Default Judgment on January 29, 2010 (Dkt. No. 10), and noticed it for hearing on February 26, 2010 (Dkt. No. 12). Defendant failed to appear at the scheduled hearing, after which time the magistrate judge took the case under advisement. Lavell has not responded to the Complaint and Federal Rule of Civil Procedure 55 allows this Court to grant a motion for default judgment where a party has failed to plead or defend against a claim. FED. R. CIV. P. 55.

Magistrate Judge Jones has recommended that the Court award damages in the amount of \$795,508.50, representing \$758,644.50 for the unpaid December 2007 invoice plus \$36,864.00 for the unpaid May 2008 invoice. Magistrate Judge Jones further recommends that Plaintiff be awarded \$97,504.07 in prejudgment interest calculated through January 29, 2010, plus additional prejudgment interest from January 29, 2010, through the date of entry of judgment, at the rate of six percent (6%) in accordance with section 8.01-382 of the Virginia Code.<sup>1</sup> Neither party has

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<sup>1</sup>The Report and Recommendation reflects a recommended default judgment in the amount of \$893,143.28, comprising the damages award and prejudgment interest. (R&R 6.) This amount was

filed objections within fourteen (14) days after being served with the magistrate judge's recommendation. Therefore, the Court adopts Magistrate Judge Jones's Report and Recommendation in the manner discussed above. Accordingly, it is hereby

ORDERED that default judgment be ENTERED against Lavell Systems, Inc., in favor of Bowne of New York City, LLC, in the amount of \$795,508.50; plus prejudgment interest in the amount of \$97,504.07; plus additional prejudgment interest at the rate of six percent (6%) from January 29, 2010, through the date of entry of judgment.

The Clerk is directed to forward a copy of this Order to counsel of record.

Entered this 20<sup>th</sup> day of May, 2010.

/s/

Gerald Bruce Lee  
United States District Judge

Alexandria, Virginia

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calculated in error; the Court calculates interest as indicated above and discussed on page 5 of the Report and Recommendation.